

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VANOVER, HALL & BARTLEY, P.S.C.

COMPLAINANT

v.

BELLSOUTH TELECOMMUNICATIONS, INC.

DEFENDANT

CASE NO. 2004-00410

ORDER TO SATISFY OR ANSWER

BellSouth Telecommunications, Inc. ("BellSouth") is hereby notified that it has been named as defendant in a formal complaint filed on October 8, 2004, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, BellSouth is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 20th day of October, 2004.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:

  
Executive Director

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**PUBLIC SERVICE COMMISSION**  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

**RECEIVED**

OCT 08 2004

PUBLIC SERVICE  
COMMISSION

VANOVER, HALL &amp; BARTLEY, P.S.C.

PLAINTIFF

VS.

2004-00410

**COMPLAINT**

BELLSOUTH

DEFENDANT

\*\*\*\*\*

Comes Gregory L. Hall, Partner with Vanover, Hall & Bartley, P.S.C., and for his  
Complaint against BellSouth, states as follows:

1. That he is a partner with the law firm of Vanover, Hall & Bartley, P.S.C.
2. That Vanover, Hall & Bartley, P.S.C. was provided DSL Internet Service through BellSouth, Account Number was 60643740039443176.
3. That said DSL Internet Service had been provided by BellSouth from March 2003 until October 7, 2004.
4. That in July 2004, Vanover, Hall & Bartley, P.S.C. alternatively engaged the basic telephone services of Eastern Telephone Company, located in Pikeville, Pike County, Kentucky.
5. That BellSouth continued to provide DSL Internet Service up and through October 7, 2004.
6. That on October 7, 2004, it was discovered by Vanover, Hall & Bartley, P.S.C. that the DSL Internet Service was terminated without notice by BellSouth.

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7. That when Vanover, Hall & Bartley, P.S.C. contacted BellSouth on at least two (2) occasions, Vanover, Hall & Bartley, P.S.C. was informed of the following:

(1) That since we no longer had a transmission line with BellSouth, DSL Service could not be provided. It was the understanding of Vanover, Hall & Bartley, P.S.C., that the only way to retain the DSL Internet Service, was to re-engage BellSouth's transmission lines.

(2) That Vanover, Hall & Bartley, P.S.C. was further informed that due to Federal Regulations, DSL could not be transmitted over another telephone company's line. When asked to tell Vanover, Hall & Bartley, P.S.C. of this Federal Regulation, the response was that "we don't have that regulation or statute available to us at this moment."

(3) It was further told to Vanover, Hall & Bartley, P.S.C., by BellSouth representatives, that the DSL Service should not have been terminated without notice to Vanover, Hall & Bartley, P.S.C..

(4) When BellSouth's agent was informed that no notice was given, it was acknowledged that this was improper pursuant to the same Federal Regulations cited by BellSouth as the reason for termination.

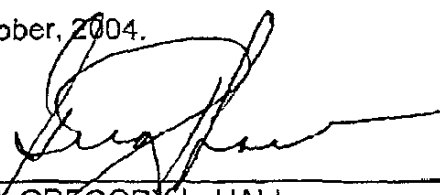
8. That because of the termination of the DSL Internet Service, Vanover, Hall & Bartley, P.S.C. has suffered irreparable harm. Said harm being unable to access internet service essential to its daily practice, in particular, its research mechanism known as "West Law."

9. The reason for retaining BellSouth as Vanover, Hall & Bartley, P.S.C., DSL Internet Service, was because the e-mail addresses had been disseminated

throughout Vanover, Hall & Bartley, P.S.C. business community. Thus, said termination has created a major hardship to Vanover, Hall & Bartley, P.S.C.

WHEREFORE, Vanover, Hall & Bartley, P.S.C., demands the appropriate ruling of this Commission.

Dated this the 8th day of October, 2004.

  
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HON. GREGORY L. HALL  
VANOVER, HALL & BARTLEY, P.S.C.  
152 THIRD STREET  
PIKEVILLE, KENTUCKY 41501  
PHONE: (606) 437-4003

STATE OF KENTUCKY  
COUNTY OF PIKE

Subscribed and sworn to before me by Hon. Gregory L. Hall, this the 8th  
day of October, 2004.

My commission expires: 8-12-08

  
\_\_\_\_\_  
NOTARY PUBLIC

# FAX TRANSMISSION

VANOVER, HALL & BARTLEY, P.S.C.

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PIKEVILLE, KENTUCKY 41501  
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**To:** Public Service Commission      **Date:** October 8, 2004  
**Fax #:** (502) 564-7397      **Pages:** 3, including this cover sheet.  
**From:** Hon. Gregory L. Hall  
**Subject:** DSL Internet Service - BellSouth

**COMMENTS:**

From the desk of...

Tina Coleman Tackett  
Secretary to Hon. Gregory L. Hall  
Vanover, Hall & Bartley, PSC  
152 Third Street  
Pikeville, KY 41501

606-437-4003  
Fax: 606-437-7847

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